



General Assembly

January Session, 2001

Amendment

LCO No. 7921

Offered by:
REP. FOX, 144th Dist.

To: Subst. Senate Bill No. 1074 File No. 241 Cal. No. 537

(As Amended by Senate Amendment Schedule "A")

"AN ACT CONCERNING THE LIQUOR CONTROL ACT, HEALTH CLUBS, LICENSING OF ARCHITECTS AND PHARMACISTS, ELECTRONIC SHELF LABELING, WELL DRILLERS AND THE NEW HOME CONSTRUCTION GUARANTY FUND."

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- 1 Strike section 14 and insert the following in lieu thereof:
- 2 "Sec. 14. Section 42-371 of the general statutes is repealed and the
- 3 following is substituted in lieu thereof:
- 4 (a) As used in this section:
- 5 (1) "Retailer" means any person who sells goods used primarily for
- 6 personal, family or household purposes to a person who is not in the
- 7 business of reselling such goods;
- 8 [(2) "Discount card or device" means any card or device issued by a
- 9 retailer to a consumer, that the consumer may use to obtain a discount
- 10 when making purchases from the retailer, including, but not limited to,

11 a scanner card;]

12 [(3)] (2) "Consumer" means an individual who is an actual or
13 prospective purchaser of goods used primarily for personal, family or
14 household purposes; and

15 [(4)] (3) "Consumer information" means information that identifies a
16 consumer and that is obtained by a retailer. [from the consumer's use
17 of a discount card or device issued by the retailer in the course of the
18 retailer's business.]

19 (b) No retailer [who issues, or has issued, a discount card or device
20 in this state to a consumer] may sell, lease [or relinquish] to, or
21 exchange for value with, any other person, firm or corporation any
22 consumer information, unless (1) the retailer provides reasonable prior
23 written notice to the consumer, (2) the retailer provides the consumer
24 with the option [, at the time the consumer applies for the discount
25 card or device or at the time the consumer receives an unsolicited
26 discount card or device,] of preventing the retailer from selling, leasing
27 or [relinquishing] exchanging for value such information, and (3) the
28 consumer does not exercise such option to prevent the retailer from
29 selling, leasing or [relinquishing] exchanging for value such
30 information.

31 (c) Such notice shall (1) state that information identifying the
32 consumer may be sold, leased [or relinquished] to, or exchanged for
33 value with, other persons, firms or corporations, (2) describe the
34 purposes for which such information would be used, and (3) include a
35 form the consumer may use to prevent the retailer from selling, leasing
36 or [relinquishing] exchanging for value such information.

37 (d) Nothing in this section shall be construed to supersede the
38 federal Fair Credit Reporting Act (15 USC 1681 et seq.).

39 [(e)] (e) The provisions of this section do not apply to the sale, lease or
40 relinquishing of consumer information by a retailer to another person,
41 firm or corporation that directly or through one or more

42 intermediaries, controls, or is controlled by, or is under common
43 control with, such retailer.

44 (f) Notwithstanding the provisions of subsection (b) of this section, a
45 retailer may relinquish consumer information to (1) a credit rating
46 agency, as defined in section 36a-695, or a consumer reporting agency,
47 as defined in 15 USC 1681 et seq., provided such information may be
48 relinquished only if the discount card or device also functions as a
49 credit card, as defined in section 53a-128a, (2) a person, firm or
50 corporation performing or providing services used for the delivery of
51 such retailer's promotional offers, or (3) a person, firm or corporation
52 performing or providing services used for the delivery of such
53 retailer's billing statements.]

54 [(g)] (e) Any violation of any provision of this section shall be
55 deemed an unfair or deceptive trade practice under subsection (a) of
56 section 42-110b.

57 Sec. 15. This act shall take effect July 1, 2001, except that section 14
58 shall take effect October 1, 2001."